

ENTERED

February 22, 2024

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

PORT OF HOUSTON)
AUTHORITY OF HARRIS)
COUNTY, TEXAS) CIVIL ACTION NO. 4:19-CV-00746
Plaintiff,)
)
vs.)
)
LOUIS DREYFUS COMPANY)
HOUSTON EXPORT ELEVATOR)
LLC)
)
Defendant.)
)
)
)

Stipulation and Order Discharging Supersedeas Bond

WHEREAS, on June 3, 2022, this Court entered a judgment in favor of Plaintiff Port of Houston Authority of Harris County, Texas (the “Port”) and against Defendant Louis Dreyfus Company Houston Export Elevator LLC (“LDC”) in the total amount of \$22,317,000 along with pre-judgment and post-judgment interest (the “Final Judgment”) (ECF No. 188);

WHEREAS, on June 28, 2022, LDC requested a stay of execution of the Final Judgment pending post-judgment motions and an appeal and sought

approval of Supersedeas Bond No. 107648133 in the amount of \$29,000,000 (the “Supersedeas Bond”) (ECF No. 192);

WHEREAS, on June 30, 2022, the District Court approved the Supersedeas Bond (ECF No. 195);

WHEREAS, on August 17, 2022, the District Court entered an order awarding \$1,502,966.51 in attorneys’ fees and \$95,869.36 in costs, plus post-judgment interest, \$112,125 if LDC filed further post-trial motion(s) and \$212,750 if LDC filed an appeal;

WHEREAS, on September 14, 2022, LDC filed a Notice of Appeal to the United States Court of Appeals for the Fifth Circuit from the Final Judgment and the Court’s order denying LDC’s post-judgment motions (ECF No. 203);

WHEREAS, on September 20, 2022, the Fifth Circuit docketed the appeal as Case No. 22-20479 (the “Appeal”);

WHEREAS, on January 29, 2024, the parties executed a Settlement Agreement, the terms of which require the dismissal of the Appeal;

WHEREAS, on February 7, 2024, the Fifth Circuit issued a mandate dismissing the Appeal with prejudice and without costs; and

WHEREAS on February 7, 2024, the Fifth Circuit mandate was docketed in this Court (ECF No. 224);

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the parties, through their undersigned counsel, subject to approval of the Court, that the Supersedeas Bond, executed by Travelers Casualty and Surety Company of America and filed in this Court on June 30, 2022, is hereby fully and unconditionally discharged, released and exonerated, and Travelers Casualty and Surety Company of America is released from all past, present and future liability in connection with the issuance of the Supersedeas Bond.

Dated: February 9, 2024

Respectfully submitted,

AHMAD, ZAVITSANOS & MENSING, PLLC

/s/ Kelsi Stayart White

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*Counsel for Defendant, Louis Dreyfus
Company Houston Export Elevator LLC*

Signed on: February 22, 2024

SO ORDERED:

Drew B. Tipton

United States District Judge

Certificate of Service

I hereby certify the foregoing document has been served on all counsel of record through the Court's electronic filing service.

Date: February 9, 2024

/s/ Lauren A. Moskowitz
Lauren A. Moskowitz